

REMARKS

Claims 15-18, 23, 24, 30-32, 38-44, 46, 49-51, 54-60, 63-75 and 77-83 are pending and stand rejected. Claims 15, 24, 38, 46, 59 and 77-78 **[and others?]** are amended. Upon entry of this amendment, Claims 15-18, 23, 24, 30-32, 38-44, 46, 49-51, 54-60, 63-75 and 77-83 are pending. Based on these amendments and the following remarks, the Examiner is respectfully requested to issue a Notice of Allowance.

Summary of Office Action

1. Claims 15, 32, 38, 46 and 77 are objected to for informalities.

These objections have been addressed by amendment.

2. Claims 15-18, 23, 24, 30-32, 38-41, 43, 46, 49-51, 56-60, 63-75 and 77-83 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Joao (U.S. Publication No. 2002/0108125).

Please see amendment and remarks below.

3. Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Joao as applied to claim 38 and further in view of Herigstad et al. (U.S. Publication No. 2002/0100063).

Please see amendment and remarks below.

4. Claims 54 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of Von Kohorn (U.S. Patent No. 5,034,807).

Please see amendment and remarks below.

Detailed Remarks

Applicant requests reconsideration of the claims in view of the amendments and remarks presented.

First, Applicant notes that “Joao” (U.S. Publication No. 2002/0108125) is not prior art. The priority document for Joao does, however (Provisional U.S. Patent Application No. 60/267,010 (“Joao Provisional”), predate applicant’s filing date. As such, the remarks presented herewith pertain to Joao Provisional.

enabling a user of a computer that is connected over a network to interact with the television content by responding to one or more events that are depicted with audio-video events...

providing for the audio-video content to be altered based at least in part on input received from the user that are responses to the audio-video events.

As detailed below, Applicant submits that the Joao Provisional does not disclose or suggest the claimed features.

Joao Provisional does discuss the ability of viewers to interact with interactive television and other forms of transmitted content, but in manner that is different than what Applicant has recited in claimed embodiments. For example, on pages 18-19 of Joao Provisional, there is discussion of the user being able to select cameras, microphones, camera angles, vantage points, and replays.

From Page 18 of the Joao Provisional:

It is another object of the present invention to provide an apparatus and method for facilitating viewer or listener interaction which can be utilized in order to enable or allow a viewer or listener to select and/or to control the presentation of the program, event, or game.

It is still another object of the present invention to provide an apparatus and method for facilitating viewer or listener interaction which can be utilized in order to enable or allow a viewer to select and/or to control the selection of any one of more of cameras, video cameras, television cameras, video recorders, microphones, and/or audio recorders, which are utilized in the broadcast.

From Page 19 of the Joao Provisional:

It is another object of the present invention to provide an apparatus and method for facilitating viewer or listener interaction which can be utilized in order to enable or allow a viewer or listener to select and/or to control the presentation of the program, event, or game.

It is still another object of the present invention to provide an apparatus and method for facilitating viewer or listener interaction which can be utilized in order to enable or allow a viewer to select and/or to control the selection of any one of more of cameras, video cameras, television cameras, video recorders, microphones, and/or audio recorders, which are utilized in the broadcast.

Respectfully, portions of the Joao Provisional which detail the ability of the user to select features such as cameras or camera angles are not disclosures for “enabling a user ...responding to one or more events that are depicted with audio-video events...”

Furthermore, the Joao provisionals disclosure that the user is able to select, for example, camera angles (or microphones, vantage points, replays) are not equivalent to “providing for the audio-video content to be altered based at least in part on input received from the user that are responses to the audio-video events.”

In other sections, the Joao Provisional describes that the user can “request or select the form of presentation of the respective program, event, game, commercial, advertisement, and/or marketing information, and/or to allow the viewer to interact with, to enter information, and/or to respond to information provided by, and/or found or featured in, the respective program, event, game, commercial, advertisement, and/or

marketing information.” (See Page 66 of Joao Provisional, lines 2-9).

However, among other shortcomings, the Joao Provisional provides that this user interaction is used for a variety of purposes, none of which correspond to altering audio-video content based on input received from the user. For example, the Joao Provisional recite: (i) the information is stored in order to perform targeted advertisement and/or marketing campaigns, marketing research test marketing, focus groups (page 66-67); (ii) compensate the viewer (page 67); and (iii) assist a program producer in obtaining ideas for *new or later* program stories and/or story lines (page 69).

The Joao Provisional also includes disclosure in which a viewer communicates with (i) a player or other participant in a sporting event (page 76), and (ii) a game show contestant (page 76). But in the discussion of such interaction, the Joao Provisional describes direct communication between the viewer and a participant (e.g. actor, director, game player etc.). The Joao Provisional cites the following regarding how the viewer interacts with “actor, host, director, newscaster, broadcaster, event performer, performer, game contestant, game player, athlete etc..

other individual, by any one or more of voice conversation, telephone conversation, videophone conversation, audio and video telephone conversation, Internet telephony conversation, speaking directly with an individual, text messaging, instant messaging, e-mail message, facsimile messaging, and/or via a other appropriate manners or techniques, and/or via any combination of same.

In contrast, Claim 1 provides that the viewer interacts

*transmitting, from over the network, an input from the computer corresponding to the user responding to the one or more audio-video events to the source associated with the television content, **so as to enable the input to be interactive with the television content**; and providing for the audio-video content to be altered....*

Respectfully, the direct communication medium of Joao Provisional is not a disclosure or suggestion for “input from the computer...so as to enable the input to be interactive with the television content...”

The Claims 30, 36, 38, 46, 82 and 83 are Independent Claims. Respectfully, each of these claims are distinguishable over the cited art for reasons that include those stated above. For example, Claim 30 recites:

enabling a user to manipulate a computer to respond to one or more events that are depicted as actions or events in the audio and video content of the television program;...
providing for the audio and video content to be altered based at least in part on input received from the user.

As described above, the features recited in Claim 30 are not disclosed or suggested by the Joao Provisional.

Similarly, Claim 36 recites:

providing for the audio and video content to be altered based at least in part on input received from the user.

This feature is not disclosed by the Joao Provisional.

With regard to Claim 38, the claim recites “wherein the system is configured to provide for the broadcast content to be altered based at least in part on input received from the user.” As explained, the Joao Provisional does not disclose or suggest this feature.

Claim 46 recites that” wherein events in the audio video content are altered based

on and responsive to the input from the computer.” As explained, the Joao Provisional does not disclose or suggest this feature.

Among other distinctions with regard to Claim 82 and 83, each of these independent claims recite: “altering audio or video... based on and responsive to the input from the computer.” As explained, the Joao Provisional does not disclose or suggest this feature.

The remaining claims are dependent claims and are distinguishable from the cited art for reasons that include those stated.

For all of the above reasons, Applicant submits the claims are distinguishable and allowable over the cited art.

CONCLUSION

A Notice of Allowance is respectfully requested. If there are any questions or comments that the Examiner wishes to direct to Applicant’s attorney, the Examiner is invited to call Applicant’s attorney at (408) 551-6632.

If there are any additional charges, please charge them to Deposit Account No. 50-1914.

Respectfully submitted,

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